

# **KENTUCKY BOARD OF RESPIRATORY CARE**

## **MINUTES**

October 15, 2015

A special meeting of the Kentucky Board of Respiratory Care was held on Thursday, October 15, 2015 at the KBRC offices, 163 W. Short Street, Lexington, KY.

### **MEMBERS PRESENT**

Jeff Smithern, RRT, Chair  
Dr. Robert W. Powell, Vice-Chair  
Tamara G. McDaniel, RRT  
Dr. James McCormick  
Kathleen Kearney Schell  
Pamela Boykin, RRT

### **KBRC STAFF**

Peggy Lacy Moore, Executive Director  
Rick L. Rose, Administrative Assistant

### **OTHER**

Cheryl Lalonde, AAG

Mr. Smithern called the special meeting to order at 4:00 p.m., at 163 W. Short Street, Lexington, KY.

### **Minutes**

Ms. McDaniel made a motion to approve the August 20, 2015 minutes; seconded by Dr. McCormick. Motion carried unanimously.

### **Continuing Education**

#### **Audit Percentage for 2016 Renewals**

Ms. McDaniel made a motion to audit twenty (20) percent from 1,479 active therapists due to renew in 2016; seconded by Dr. McCormick. Motion carried unanimously.

#### **KY Interactive/KY.Gov 2016 Statement of Work Contract**

Ms. McDaniel made a motion to authorize Ms. Moore to sign the KY Interactive/KY.Gov Statement of Work Contract for the 2016 online renewals pending review by legal counsel; seconded by Dr. Powell. Motion carried unanimously.

#### **Bellarmino CEU Request**

Dr. McCormick made a motion to approve 12 continuing education units' (CEU's) on the Telehealth and Simulation CEU submitted by Janet R. Vogt, RRT, and Professor at Bellarmine University; seconded by Ms. McDaniel. Motion carried unanimously with the exception of Dr. Powell opposing.

#### **National Board of Respiratory Care National Licensure Meeting Update**

Pamela Boykin attended the NBRC meeting in Olathe, Kansas on September 18-20, 2015 representing the Board and gave an update from the meeting. The NBRC paid for one board member to attend.

#### Governor's Office Training for Boards/Commissions Update

Ms. Moore, Ms. Schell and Ms. Lalonde attended the day of training for Boards and Commissions on Tuesday, September 29, 2015 hosted by Geoff Dunn, Executive Director, for Boards and Commissions in the Old Capitol, Frankfort, KY. Ms. Moore stated the entire day was packed with good information and she wished all the members could have attended. Ms. Lalonde, legal counsel, gave a report on 13B Hearings.

#### Complaints

Dr. Powell made a motion for the Board to go into closed session, pursuant to KRS 61.810(1) (c) and (j), to discuss proposed or pending litigation and to deliberate regarding individual adjudications. The motion was seconded by Ms. McDaniel and carried unanimously. Dr. Powell moved to come out of closed session; seconded by Dr. McCormick. Motion carried unanimously.

#### Agreed Orders – Compliant Cases

##### Joseph Cecil

Mr. Fingerson reported Joseph Cecil is compliant. No action on the case.

##### Terry Clark

Mr. Fingerson reported Terry Clark is compliant. No action on the case.

##### Amy Golden

Mr. Fingerson reported Amy Golden is compliant. No action on the case.

##### April Dawn Hall

Mr. Fingerson reported April Dawn Hall is compliant. No action on the case.

##### Holly Hall

Mr. Fingerson reported Holly Hall is compliant. No action on the case.

##### Shannon Keys

Mr. Fingerson reported Shannon Keys is compliant. No action on the case.

##### Aaron Peter

Mr. Fingerson reported Aaron Peter is compliant. No action on the case.

Sara Sparks

Mr. Fingerson reported Sara Sparks is compliant. No action on the case.

Jill Stacy

Mr. Fingerson reported Jill Stacy is compliant. No action on the case.

Paul Derrick Sublett

Mr. Fingerson reported Paul Sublett is compliant. No action on the case.

Laura Thomas

Mr. Fingerson reported Laura Thomas is compliant. No action on the case.

KYPRN Cases – Review or Actions Needed

Aubrey Bryant

Dr. Powell made a motion to request a report from KYPRN asking if Ms. Bryant is compliant relative to calls, payments and drug screens to the present date and have legal counsel pen a letter that the Board recognizes the financial difficulties but she still needs to be compliant with her Agreed Order; seconded by Dr. McCormick. Motion carried unanimously.

Patrick Spalding

Dr. Powell made a motion on Patrick Spalding complaint it is pending a response. No review or actions at this time and table for the next meeting; seconded by Dr. McCormick. Motion carried unanimously.

**FYI: Agreed Orders Signed – No Actions Needed**

Agreed Orders signed for 2015 CEU Audit: John Bloomer, Carolyn Walker, James K. Thompson. Recommended and Final Order for Rodney Reynolds returned due to insufficient address.

**Complaint Cases - Updates or Actions Needed**

A. Brenda Hayes, KY # 0542

Dr. Powell made a motion if Ms Hayes fails to respond to the pre-hearing telephonic conference with legal counsel and Ms. Durant, Hearing Officer, on October 19 that we request a Default Judgment. At this time we will table pending the pre-hearing conference and then proceed and set for hearing at the next meeting as Ms. Durant is not available for a hearing on November 13,

2015; seconded by Dr. McCormick. Motion carried unanimously. The record shows Mr. Smithern and Ms. McDaniel recused from the discussion and vote on Brenda Hayes.

B. Mary Marcia Fuller, KY 1295

Dr. Powell made a motion to send an Agreed Order of Volunteer Surrender as Revoked to Ms. Fuller and to respond by October 22, 2015. If she does not respond a pre-hearing conference will continue on October 23, 2015. At this time we will continue the case pending Ms. Fuller signing the Agreed Order of Revocation. If this case does not resolve informally get dates to set a hearing at the next meeting during the pre-hearing conference of October 23, 2015 as Ms. Durant is not available on November 13, 2015 for a hearing; seconded by Dr. McCormick. Motion carried unanimously. Ms. McDaniel recused from the discussion and vote on Ms. Fuller.

C. Nancy LaPointe, KY # 0571

Dr. Powell made a motion for an Agreed Order for Nancy LaPointe, KY # 0571 to include three (3) months suspension; \$500 fine; eight (8) face to face anger management classes to be approved by the Board President prior to commencing the classes. The classes must be completed before requesting reinstatement; seconded by Kathy Schell. Motion carried unanimously.

2016 Meeting Dates Set for KBRC Meetings

Thursday, February 18, 2016

Thursday, February 25, 2016 alternate date in event of inclement weather

Thursday, April 21, 2016

Thursday, June 16, 2016

Thursday, August 18, 2016

Thursday, October 20, 2016

Thursday, December 15, 2016

All meetings with exception of December 15, 2016 TBA will be held at the KBRC offices at 5:45 p.m., EST.

**Announcements**

Mr. Smithern, Chair, announced the next meeting of the Board would be Thursday, December 10, 2015 at 5:45 p.m., EST at Sal's, 3373 Tates Creek Road, Lexington, KY.

**Application Review**

A motion was made by Tami McDaniel to accept all 21 applications since the last meeting; seconded by Jerrell Cloud. Motion carried unanimously.

The following **Student applications (3)** were approved:

Joy Durham, Brooklyn Fields and Ryan Hicks.

The following **Temporary applications (0)** were approved:

No temporary applications submitted.

The following **NBRC applications (5)** were approved:

Karen Guzman, Michelle Keltner, Shaina Luther, Erin Rechtin and Savannah Sparkman.

The following **Reciprocity applications (13)** were approved:

Sasha Anderson, Arlisha Baldwin, Elizabeth Barnett, James Bartley, Angela Furlong, Kailey Hicks, Christopher Lee, Bradley Lloyd, Crystal Lynn, Shyla Michael, Rhonda Smith, Michael Wagner and Jennifer Wroten.

**Approval of Per-diem, Compensation, Travel and Honoraria**

A motion was made by, Tami McDaniel and seconded by Kathy Schell, to approve the payment of per diem, compensation and travel for Board members. Motion carried unanimously.

Tami McDaniel made a motion to adjourn the meeting at 6:40 p.m.; seconded by Kathy Schell. Motion carried unanimously.

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Jeff Smithern, RRT, Chair  
KY Board of Respiratory Care